

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUSTIN TRIMM,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION ACTING COMMISSIONER
DANIEL F MARTUSCELLO III; NEW YORK
STATE DEPARTMENT OF HEALTH
COMMISSIONER CAROL A. MORSE;
GREEN HAVEN SUPERINTENDENT MARK
MILLER; BILLIE TUOHY (RN),

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 7/15/2025

24-CV-2737 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On April 8, 2024, Plaintiff Dustin Trimm (“Plaintiff”) commenced this action by filing the Complaint. (ECF No.1.) On January 13, 2025, Defendants Denial F. Martuscello, III, Carol A. Moorse, MD, Mark Miller, New York State Department of Corrections and Community Supervision, Billie Tuohy (collectively, the “Defendants”) filed a motion to dismiss. (ECF No. 23.) On May 27, 2025, the Court issued its Opinion & Order (the “Opinion”) granting Defendants’ motion to dismiss and dismissed Plaintiff’s Complaint. In its Opinion, the Court advised the Plaintiff that he would have until June 23, 2025 to file an Amended Complaint and that failure to do so would lead to dismissal of his claims with prejudice. Plaintiff failed to file an amended pleading by June 23, 2025. Moreover, on July 8, 2025, the Court received a letter from Plaintiff that stated “[r]egarding No. 24-CV-2737 (NSR) OPINION & ORDER dated 5/27/2025, I wish to WITHDRAW.” (ECF No. 28.)

Accordingly, the Court GRANTS Plaintiff's request and deems the action voluntarily withdrawn. The Clerk of Court is directed to terminate the action and to mail a copy of this Order to *pro se* Plaintiff at his address as it is listed on ECF and to show service on the docket.

SO ORDERED.

Dated: July 15, 2025
White Plains, New York


NELSON S. ROMÁN
United States District Judge